



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.10308 of 2019

Raja

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
(Crime No.11/2019)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to release the Taurus Lorry (Multi-Axle Goods Vehicle) bearing Registration No.TN-88-D-4332 seized by the 2nd respondent in connection with FIR in Crime No.11 of 2019 dated 07.01.2019 and produced before the Learned Judicial Magistrate No.II, Nagercoil in R.P.No.34 of 2019 to the petitioner.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks release of the petition mentioned vehicle, which was detained in connection with illegal transportation of sand. The vehicle was produced before the Jurisdictional Magistrate. The petitioner submitted an application seeking its release. The learned Magistrate declined to entertain the said application.

3. This Court makes it clear that the Magistrate is very much having the jurisdiction to entertain and dispose of the application on merits and in accordance with law. Therefore, the petitioner is



directed to resubmit the application or file a fresh application before the Jurisdictional Magistrate for release of the vehicle. The Jurisdictional Magistrate is directed to entertain the application and dispose it of on merits and in accordance with law.

4. With this liberty, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.S.)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

1CC TO MR. P.M. VISHNUVARTHANAN, ADVOCATE SR 63105

1CC TO THE SPL GOVT PLEADER SR 63371

DS

27/04/2019

2P 5C

W.P. (MD) No.10308 of 2019

26.04.2019

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